

IN THE DISTRICT COURT OF MAJOR COUNTY

STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,  
Plaintiff,  
vs.

No. CF-2008-53

ASHTON MALACHI TYLER,

DOB: 1989  
OLN: 082543638

Defendant.

FILED  
MAJOR COUNTY, OKLAHOMA

MAR 29 2010

*Naura H. [Signature]*  
CLERK

YOUTHFUL OFFENDER  
JUDGMENT AND SENTENCE

Now, on this 10TH day of MARCH, 2010, this matter comes on before the undersigned Judge, for sentencing and the defendant, ASHTON MALACHI TYLER, appears personally and by attorney, Ron Willis, the State of Oklahoma represented by Westline Ritter and Tim Haworth, and the defendant, having previously:

(X) Found guilty by Judge after waiver of jury trial to the crime of:

RAPE BY INSTRUMENTATION  
Okla. Stat. tit. 21 § 1111.1

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the defendant, ASHTON MALACHI TYLER, is guilty of the above described offense.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court after hearing clear and convincing evidence that there is good cause to believe that the defendant would not reasonably complete a plan of rehabilitation or that the public would not be adequately protected if the defendant were sentenced as a youthful offender and that pursuant to Okla. Stat. tit. 10A §§ 2-5-206, 2-5-208, the Defendant should be certified as an adult and sentenced accordingly as follows:

TERM OF PUNISHMENT WITH EXECUTION OF SENTENCE  
SUSPENDED IN PART

Sentenced to a term of TEN (10) YEARS imprisonment, with all except the first TWO (2) YEARS SUSPENDED under the custody and control of the Oklahoma Department of Corrections pursuant to the rules and conditions of probation entered by the court.

After receiving evidence and hearing testimony, the Court FINDS that the provisions of the Community Sentencing Act do not apply to this defendant and that all parties agree thereto and waive consideration under said Act.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED BY THE COURT that in addition to the preceding terms, the defendant is also sentenced to:

FINE

- (X) The defendant shall pay a fine of \$2,000.00 pursuant to Rules and Conditions of probation.

COSTS, VCA AND SHERIFF'S FEES

- (X) The defendant shall pay \$626.50 Court costs, cleet and Sheriffs fees, plus transportation fees, \$250.00 PSI fee.

RULES AND CONDITIONS OF PROBATION

The rules and conditions of probation as ordered by the court and signed and acknowledged by the defendant are attached in Exhibit A.

HEARING ON ABILITY TO PAY AFTER INCARCERATION

- (X) The defendant shall report to the District Court of Major County within Sixty (60) days of release from physical confinement for a hearing on the defendant's ability to pay fines and costs pursuant to Section VIII of the Rules of the Court of Criminal Appeals, Okla. Stat. 22 Ch 18, App.

It is further ordered that judgment is hereby entered against the Defendant as to the fines, costs and assessments set forth above.

The Court further advised the Defendant of his rights and procedure to appeal to the Court of Criminal Appeals of the State of Oklahoma, and that if he desired to appeal and was unable to afford counsel and a transcript of the proceedings, that the same would be furnished by the State subject to reimbursement of the cost of representation in accordance with Okla. Stat. tit. 22 § 1355.14.

In the event the above sentence is for incarceration in the Department of Corrections, the Sheriff of Major County, Oklahoma, is ordered and directed to deliver the Defendant to the Lexington Assessment and Reception Center at Lexington, Oklahoma, and leave therewith a copy of this Judgment and Sentence to serve as warrant and authority for the imprisonment of the Defendant as provided herein. A second copy of this Judgment and Sentence to be warrant and authority of the Sheriff for the transportation and imprisonment of the Defendant as herein before provided. The sheriff to make due return to the Clerk of this Court, with his proceedings endorsed thereon.

Witness my hand the day and year first above mentioned.

  
JUDGE OF THE DISTRICT COURT